

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Hotel Employees and Restaurant Employees
International Union Welfare Fund, Hotel Employees and
Restaurant Employees International Union Pension
Fund, and H.W. Ward as Fiduciary of Hotel Employees
and Restaurant Employees International Union Welfare
Fund and Hotel Employees and Restaurant Employees
International Union Pension Fund,

Plaintiffs

- against -

St. James Associates, L.P. d/b/a Smith & Wollensky

Defendant.

07 CV 03518 (GEL)

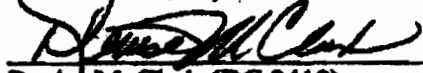
STIPULATION AND
ORDER OF
DISCONTINUANCE

USDC SDNY
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DOC #:
DATE FILED: 1/22/08

In accordance with Rule 41 (a)(1) of the Federal Rules of Civil Procedure, the parties to the above-captioned action hereby stipulate, through the undersigned counsel of record, that the above-captioned action and all claims and causes of action asserted therein are hereby withdrawn and discontinued, with prejudice, and without judicial apportionment of costs or attorneys' fees to any party.

Dated: _____, 2008

New York, New York



Denise M. Clark (DC 9412)

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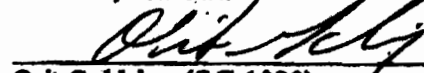
Washington, D.C. 20036

202.293.0015

Attorneys for Plaintiffs

Dated: January 22, 2008

New York, New York



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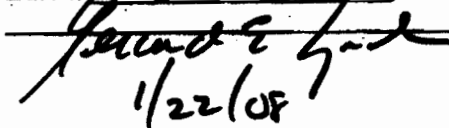
New York, New York 10022

212.583.9600

Attorneys for Defendant

So Ordered.

Dated: _____, 2008


1/22/08

United States District Judge